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## DEDICATORY ADDRESS

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[EDITOR'S NOTE: *The Editorial Board of the OHIO STATE LAW JOURNAL deems it a great privilege to publish in its pages the Dedicatory Address delivered by the Chief Justice of the United States on the occasion of the formal dedication of the Ohio State University College of Law Building, April 23, 1960.*]

I am always delighted to participate in the dedication of a new law school facility. Of course, law can be taught in old buildings, but the expansion of the physical plant of our law schools reflects to me a commendable desire for those new and sharper working tools to which every skilled worker is entitled. Far more significantly, however, it manifests an accelerated interest in the functioning of law in our complex society, and a forward-looking vigor on the part of those who are charged with the responsibility for educating our young people to the law—for equipping them with the technical skills for ascertaining and applying the law, and providing them with an understanding of those basic principles upon which our laws and institutions are premised.

In this century, statute law, case materials, and legal commentaries seem to have grown in almost geometric progression. Even within the professional lifetimes of the older members of the bar, the body of the law has so developed in scope, complexity, and sheer volume that it has become ever more difficult to identify and adjust the conflicts that arise between basic principles in areas of public interest, human rights, national security, labor-management and federal-state relationships. The technical aspects of the law in these fields and others have become so demanding that other, broader, principles are likely to become submerged. Today, the law of taxation may be a lawyer's all-absorbing life work—or labor law, antitrust law, administrative practice, or the law of real estate, insurance, or probate. A high degree of specialization is unavoidable, for today no man can keep abreast of the developments in all areas of the law and apply them with technical competence to tangled factual situations. But unfortunately such specialization carries with it a tendency not only to fragmentize our approach to legal problems, but also to lose sight of

the law's basic function as a social instrumentality, and of the consequent public responsibilities of our profession.

This, of course, was not so true in the early days of our country, when the foundations of our nation were being laid. It was an inevitable consequence of those stirring times, that the approach to the law was through great human and public problems. It has always been a matter of amazement to me that the young men of that day—men in their 20's and 30's—were able to discuss these great issues so profoundly and to resolve them so wisely: That the Declaration of Independence came from the pen of Jefferson at 33; that Hamilton produced great governmental documents in his "teens" and early 20's, attended the Constitutional Convention at 30, and at 31 made the major contribution to the "Federalist" papers; that Madison—truly called the "Father of the Constitution"—was 36 when the Constitutional Convention met.

Two of these three men were lawyers. Indeed youth and legal training seemed to be the two most common characteristics of our early leaders. Six of the 55 delegates to the Constitutional Convention were 30 years of age or under, and a majority were less than 45 years old. Thirty-three of the 55 delegates who participated in the Convention were lawyers—ten having served as State Court Judges.

If there had not been a deep and general interest in the great public issues among young men—and most particularly among young lawyers—during our revolutionary period, leadership would have been lacking either to bring the Revolution to a successful conclusion or to lay the foundations of our Government.

The Constitutional Convention did not originate a new conception of man's freedoms or invent a new structure of government, as it sat in Philadelphia in the summer of 1787. Our free institutions had their roots in the past. The young men who contributed so strikingly to the establishment of those institutions had studied the role of government in world history. From intense interest and thoughtful inquiry, they knew the value of human liberty, and the weaknesses as well as the strength of democracy—they knew what needed to be done if our Government was not only to be a democratic Government, but a free Government as well. They were aware from their knowledge of history that by erosion, or by gradual assumption of power, the democratic process had often been transformed into tyranny. They feared power and insisted upon diffusing it. They infused into our Government the philosophy of Hammurabi who bottomed the first code of law in recorded history on the principle that it was "to prevent the strong from oppressing the weak." They learned the lessons that flowed from the rise and fall of the great Roman Empire. They knew

the trials and tribulations of liberty in England and on the Continent. They knew the doctrines of the philosophers-Rousseau, Montesquieu, and de Vattel of their era, and Locke, Sidney, Coke of earlier years, were widely read and widely quoted.

The profound understanding of these young men was reflected not only in the Constitution and the Bill of Rights, but in the many other basic governmental charters which preceded them in the early years of the new nation. It was reflected in the state constitutions adopted between 1776 and 1789. It was reflected in the Northwest Ordinance which opened up this great part of America. Drafted by Nathan Dane, a young lawyer of 35, and adopted on July 13, 1787, while the Constitutional Convention was still in the course of its deliberations, the Northwest Ordinance declared its purpose in these words:

For extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; [and] to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory. . . .

The Northwest Ordinance forever guaranteed the right to religious freedom, to the writ of habeas corpus and trial by jury, to "judicial proceedings according to the course of the common law," to bail, to freedom from cruel or unusual punishments, to just compensation for the taking of property or services, and to inviolability of bona fide contracts untainted by fraud. The Northwest Ordinance abolished slavery and involuntary servitude within this great territory, and declared that "Religion, Morality and knowledge being necessary to good government and the happiness of mankind, Schools, and the means of education, shall forever be encouraged."

The young lawyers who contributed so greatly to these moving declarations were men of great intellect and spirit, to be sure. But, like all other men, they were largely the creatures of their times. It was the role of lawyers of that day to deal with great problems, and they equipped themselves by study and were encouraged by example to play that role. They met their public responsibilities, not alone by drafting basic public documents and participating in the great civil and military affairs of their day, but also by the practice of their profession in the courts on behalf of their clients, as Andrew Hamilton's magnificent defense of John Peter Zenger and James Otis's flaming attack upon writs of assistance have come to symbolize.

In the perspective of history the problems of our day may appear no less stirring—no less grave and portentous—than those which confronted this nation in its beginnings. The basic issue which our day

will resolve is whether mankind is to live under the rule of law—and whether that rule of law is to be the law of freedom or the law of command. Our world is locked in a continuing struggle over this great issue, and we have been called by history to lead the forces of freedom. The challenge which faces us is surely no less stirring than that which faced the founders of our nation. If we should fail, surely the results would be no less disastrous to us and to mankind than those which would have flowed from the failure of the American Revolution.

Whether we are to succeed or fail in meeting the challenge of our time will depend in large measure upon whether, as a people, we are so grounded in the principles of freedom, and have so established them in our practices, that they will not be eroded away in the struggle, but will stand out before the world not merely as precepts but as vital evidence that men can be strong and yet be free.

Despite the challenge of our time, comparatively few young people today are either equipped or inclined to devote any substantial part of their energies and talents to the resolution of our great problems. It is difficult to recruit young lawyers of ability for service in Government, or to induce those in private practice to accept public responsibilities, from which they might gain a practical understanding of the basic problems of our day, and a dedication to their solution. Indeed, it is not always easy for an individual of limited means, caught up in a contest involving human liberties, to obtain representation by young lawyers of skill.

The vast majority of our best young minds gravitate toward technical specialization which leads away from such concerns. Indeed, they are discouraged by many from adopting any other course. Only a few years ago the term "egghead" was invented to express the low opinion in which responsible elements in our society held those young people who had the foresight and courage to focus upon the great issues which confront us as a free society. It seems to me that we must look to our law schools to stem the tide against this retreat from fundamental principles and great legal causes, and to rededicate our profession to public responsibility and public leadership.

The legal education of most of the young lawyers who played a leading role in the founding of our nation was brief and informal. It was not acquired through years of law school study or even academic training; most of these young men "read law" for a short period under the tutelage of a senior member of the bar. They drew their impressive understanding of free government and their deep attachment to its principles from independent study of the great public issues of their time and active participation in their resolution.

Today, in most of our states, formal law school training for a period of years is prerequisite to admission to the bar—and this after as much as 16 years of academic studies. This is properly so, of course. But it is an inevitable consequence that our schools preempt the time and intellectual interests of our future lawyers from their first contact with formal education until they are finally catapulted into active practice. The intensity of the competition which they must then meet—the immediate need to master specialized techniques which they could not acquire in the classroom—will leave them with little time for the consideration of ultimate values and purposes for another period of years. If they emerge from law school skilled only in the mechanics of the law—if they enter the practice with the view that the legal profession is merely a private means of making a living, and that the lawyer's central function is to achieve the immediate goals of his clients—those attitudes will in all probability determine the breadth of their vision and the direction of their efforts throughout their professional lives.

Thus, at the risk that it will not otherwise be done at all, our schools, and primarily our law schools, must implant the basic principles of free government in the minds of our future lawyers, and send these young men and women into their profession with a clear realization that they bear a heavy public responsibility to serve the cause of human liberty and justice.

For almost three-quarters of a century The Ohio State University College of Law has served the interests of this great State faithfully and well—and it continues to do so today with ever increasing dedication and vigor. I know, not alone from what I have seen and heard on this visit, but from my knowledge of your contributions to legal education in the past, that you will play your full part in this great effort. And I know, also, that in so doing, over the years ahead as in the past, you will enjoy the deepest satisfactions of our profession, and earn the gratitude of all who see in freedom under law, man's greatest hope.